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The Threat of Environmental Racism

Robert D. Bullard

Communities consisting primarily of people of color continue to bear a disproportionate burden of this nation's air, water, and waste problems. Even in today's society, race influences the likelihood of exposure to environmental and health risks as well as accessibility to health care. People of color are more likely than their white counterparts to live near freeways, sewage treatment plants, municipal and hazardous waste landfills, incinerators, and other noxious facilities. Disparate siting and land-use patterns result in elevated health risks to nearby inhabitants.

The charge of environmental racism has heightened the debate surrounding social inequities that exist in the larger society. Environmental racism exacerbates existing social inequities. Environmental racism refers to any policy, practice, or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color. It also includes exclusionary and restrictive practices that limit participation by people of color in decision-making boards, commissions, and regulatory bodies.

Environmental racism exists within local zoning boards as well as the U.S. Environmental Protection Agency (EPA). Recently, EPA acknowledged the problems faced by communities of color and the poor. After some prodding from outside academicians and activists, the agency created the Work Group on Environmental Equity. A final report of this work group, *Environmental Equity: Reducing Risks to All Communities*, was released in February 1992. The products of this effort included the creation of an Office of Environmental Equity and an Environmental Equity Cluster. These are first steps in placing environmental justice issues on the national agenda.

Environmental racism is also present in nongovernmental organizations such as the nation's mainstream environmental and conservation groups. In 1990, groups representing

people of color sent letters to the "Big Ten" environmental groups challenging their hiring practices and participation by people of color on their boards. A flurry of activity was undertaken to diversify, yet it became apparent that environmental racism was institutionalized and would not likely disappear with attempts by the mainstream groups to "color coordinate" their staffs and boards.

Environmental racism combines with public policies and industry practices to provide *benefits* for whites while shifting *costs* to people of color. Many of the at-risk communities are victims of land-use decisionmaking that mirrors the power arrangements of the dominant society. Historically, exclusionary zoning has been a subtle form of using government authority and power to foster and perpetuate discriminatory practices. Generally, planning and zoning commissions are not known for their racial and ethnic diversity.

Who Pays and Who Benefits?

The question of who *pays* and who *benefits* from current urban land-use policies is central to any analysis of environmental racism. A form of illegal "exaction" forces disenfranchised communities to pay costs of environmental benefits for the public at large. In the United States, race interpenetrates class and creates special vulnerabilities for locally unwanted land uses (LULUs). Race can also operate independently of class in explaining the distribution of air pollution, the location of municipal landfills and incinerators, abandoned toxic waste dumps, and lead poisoning in children.

The nation's lead problem typifies a subpopulation at risk: African-American children. Even when income is held constant, African-American children are two to three times more likely than their white counterparts to suffer from lead poisoning. These wide disparities hold up for African-American children who live inside and outside central cities.

The Agency for Toxic Substances Disease Registry (ATSDR) in its 1988 report to Congress, *The Nature and Extent of Lead Poisoning in Children in the United States*, reveals that lead is the "number one environmental health problem in children." Lead affects between 3 to 4 million children in the United States—most of whom are African-Americans and Latinos who live in urban areas. The ATSDR found that for families earning less than \$6,000 annually, 68 percent of African-American children had lead poisoning compared with 36 percent for white children. In families with annual income exceeding \$15,000, more than 38 percent of African-American children suffer from

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lead poisoning compared with 12 percent of whites. The Environmental Defense Fund, using the 1991 lead statistics, estimated that 85 percent of African-American families with annual incomes above \$15,000 had unsafe amounts of lead in their blood, compared to 47 percent of white families with similar incomes.

Why are so many African-American children at risk of becoming lead poisoned? Why has so little been done to rid the nation of this *preventable* disease? Race, housing, land use, and residential patterns play a large part in explaining this disparity. African-Americans continue to be the most segregated racial minority group in the United States. No matter what their educational or occupational achievement or income level, African-Americans are exposed to lower-quality neighborhoods and greater environmental threats because of their race.

The ability of an individual to escape a health-threatening physical environment is usually correlated with income. However, housing discrimination, redlining, and residential segregation make it difficult for some individuals to buy their way out of health-threatening physical environments. An African-American family that has an annual income of \$50,000 can be as residentially segregated as an African-American family on welfare.

Residential apartheid and skewed development policies limit mobility, reduce neighborhood options, diminish job opportunities, and decrease environmental choices for millions of Americans. Residential apartheid is alive and well in the United States. Why do some communities get dumped on and others do not? Waste generation is directly correlated with per capita income. However, few waste facilities are proposed and fewer are actually built in the white middle-class suburbs.

Garbage dumps and incinerators are not randomly scattered across the landscape. These facilities are often located in communities that have high percentages of poor, elderly, young, and minority residents. The 1979 case of *Bean v. Southwestern Waste*, 482 F. Supp. 673 (S.D. Tex.), was the civil rights challenge to the siting of a waste disposal facility. The lawsuit was brought in Houston, Texas, the only major American city without zoning. Data collected in support of the *Bean* challenge comprised the first empirical study that linked municipal solid waste siting with the race of the surrounding residents. From the early 1920s to the late 1970s, all of the city-owned municipal landfills, and six of its eight garbage incinerators in

this area of Houston were located in African-American neighborhoods.

From 1970 to 1978, three of the four privately owned landfills used to dispose of Houston's garbage were located in African-American neighborhoods. Although African-Americans made up only 28 percent of Houston's population, 82 percent of the municipal landfill sites (public and private) were located in African-American neighborhoods.

Waste facility siting inequity was identified by the U.S. General Accounting Office (GAO) as early as 1983—nearly a decade ago. After protests sparked by plans to site a PCB landfill in the mostly African-American county of Warren, North Carolina, the GAO initiated its own investigation into hazardous waste facility siting in EPA's Region IV. The GAO found a strong relationship between the location of off-site hazardous waste landfills and race and socioeconomic status of the surrounding communities in the region.

The GAO identified four off-site hazardous waste landfills in Region IV. The four sites were the Chemical Waste Management site (Sumter County, Alabama); the SCA Services site (Sumter County, South Carolina); the Industrial Chemical Company site (Chester County, South Carolina); and the Warren County PCB landfill (Warren County, North Carolina). African-Americans made up the majority of the population in three of the four communities where these off-site hazardous waste landfills were located. In 1983, African-Americans were clearly overrepresented in communities with waste sites since they made up only about one-fifth of the region's population; however, three-fourths of the landfills were located in African-American communities. These siting imbalances uncovered in 1983 have not disappeared. In 1992, African-Americans comprise about one-fifth of the population in Region IV; however, the two remaining operating off-site hazardous waste landfills in the region are located in zip codes where African-Americans comprise a majority of the population.

The Commission for Racial Justice's landmark study, *Toxic Wastes and Race*, found race to be the single most important siting factor—more important than income, home ownership rate, and property values—in the location of abandoned toxic waste sites. The study also found that:

- three out of five African-Americans live in communities with abandoned toxic waste sites;
- 60 percent (15 million) of African-Americans live in communities with one or more abandoned toxic waste sites;
- three of the five largest commercial haz-

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ardous waste landfills are located in predominately African-American or Latino communities and account for 40 percent of the nation's total estimated landfill capacity; and

- African-Americans are heavily overrepresented in the population of cities with the largest number of abandoned toxic waste sites, which include Memphis, St. Louis, Houston, Cleveland, Chicago, and Atlanta.

Communities with hazardous waste incinerators also generally have large minority populations, low incomes, and low property values. A 1990 Greenpeace report, *Playing with Fire*, discovered the following:

- The minority portion of the population in communities with existing incinerators is 89 percent higher than the national average;

- Communities where incinerators are proposed have minority populations 60 percent higher than the national average;

- The average income in communities with existing incinerators is 15 percent less than the national average;

- Property values in communities that actually host incinerators are 38 percent lower than the national average; and

- In communities where incinerators are proposed, average property values are 35 percent lower than the national average.

Dumping in Dixie

The southern United States is rapidly becoming the dumping ground for household garbage and hazardous waste. Historically, the South has scored at or near the bottom on almost all indicators of well-being, such as education, income, economic development, environmental quality, and health care. The region has a long history of exploiting land and people, especially African-Americans, dating back to times of slavery.

There is a clear link between the region's ecological policies and race relations. The findings in my book, *Dumping in Dixie* (1990), reveal that African-Americans in the South bear a disparate burden in siting hazardous waste landfills and incinerators, lead smelters, petrochemical plants, and a host of other noxious facilities. Disparate noxious facility siting is epitomized in South Louisiana's "Cancer Alley," an eighty-five-mile stretch along the Mississippi River from Baton Rouge to New Orleans, and Alabama's "blackbelt." For example, the nation's largest commercial hazardous waste landfill, dubbed the "Cadillac of dumps," is located in Emelle, Alabama. Emelle is a rural community in the heart of Alabama's blackbelt. African-Americans make up over 90 percent of the population in Emelle and 75 percent of the resi-

dents in Sumter County. The Emelle landfill receives wastes from Superfund sites from all forty-eight contiguous states.

The Dallas lead contamination problem is a textbook case on environmental racism. The Texas city has a long history of allowing lead smelters to be sited in African-American and Latino neighborhoods; all three of the city's smelters were located in those neighborhoods. The lead contamination problem in the mostly African-American west side of Dallas was documented by the Dallas Health Department as far back as 1969. A 1983 federal study established that the local smelter was the source of elevated levels of lead in the blood of children who live in west Dallas. The smelter operated in the neighborhood for nearly five decades. A citizen lawsuit discovered that the industrial firm had never obtained the necessary use permits to operate in the residential neighborhood and the smelter was closed under a local zoning ordinance in 1984. A voluntary cleanup proposal was scrapped by the EPA; however, a limited cleanup was completed in 1984.

Comprehensive cleanup activity began in the west Dallas sites in January 1992—nearly twenty years after the first published report of the problem. An estimated thirty to forty thousand cubic yards of lead-contaminated soil will be removed from several of those sites, including school property and the yards of some private homes. Plans called for the lead-tainted soil to be dumped at the Magnolia landfill in Monroe, Louisiana, a community that is over 60 percent African-American.

Environmental racism is not unique to the southern United States. The resulting problems are national and international in scope. Some urban neighborhoods have become "sacrifice zones." A classic example of such a sacrifice zone is the land-use pattern that has evolved in Chicago's southside neighborhoods. Chicago is the nation's third largest city and one of the most racially segregated big cities in the country with just under 90 percent of the city's 1.1 million African-Americans residing in racially segregated areas. The Altgeld Gardens housing project, located on the city's southeast side, is one of these segregated enclaves. The Chicago neighborhood is home to 150,000 residents: 70 percent African-American and 11 percent Latino. Altgeld Gardens is encircled by a host of polluting industries including fifty active or closed commercial hazardous waste landfills, one hundred factories (including seven chemical plants and five steel mills), and over one hundred abandoned toxic waste dumps. Hazel Johnson, an environmental activist from Altgeld Gardens, has dubbed her neighborhood a "toxic doughnut."

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In California, Latino and African-American communities are especially vulnerable to environmental racism. For example, the mostly African-American South Central Los Angeles and Latino East Los Angeles neighborhoods were targeted for a municipal solid waste incinerator and a hazardous waste incinerator, respectively. The small rural farmworker community of Kettleman City (located in California's agriculturally rich Central Valley) has been proposed for a hazardous waste incinerator.

The now riot-torn South Central Los Angeles is one of these segregated enclaves that is over 52 percent African-American and about 44 percent Latino. This neighborhood has suffered from years of systematic neglect, infrastructure decay, high unemployment, poverty, and heavy industrial use. The South Central Los Angeles neighborhoods suffer from a "double whammy" of poverty and pollution. A 1991 article in the *San Francisco Examiner* described the zip code 90058, in which South Central Los Angeles lies, as the "dirtiest" in the state. The 1990 population in the zip code was 59 percent African-American and 38 percent Latino. The one-square-mile area is saturated with abandoned toxic waste sites, freeways, smokestacks, and wastewater pipes from polluting industries. The neighborhood is a haven for LULUs. More than eighteen industrial firms in 1989 discharged more than 33 million pounds of waste chemicals in the environment within the boundaries of this zip code.

Los Angeles's growing population has meant a mounting garbage and hazardous waste problem. In an effort to solve this bulging garbage problem, the city (under a contract with the federal EPA) developed a plan to build three waste-to-energy incinerators. Ogden-Martin was selected to build the incinerators dubbed LANCER (Los Angeles City Energy Recovery). The first of the three incinerators, LANCER 1, was slated to be built in South Central Los Angeles. Its proponents attempted to speed the project through and locate it in the south central section of town as one way to blunt the charge of "racism" when LANCER 2 and LANCER 3 (planned for the wealthier and mostly white Westside and San Fernando Valley) came up for review. Officials would be hard-pressed to justify killing LANCER 2 on health and environmental grounds if LANCER 1 was up and running.

After getting the word on the incinerator project in 1984, residents organized themselves into a group called Concerned Citizens of South Central Los Angeles. The group was comprised mostly of African-American women. Local activists from Concerned Citizens were able to form alliances with a number of national and grassroots environmental groups, slow-growth

groups, and public interest law groups to block the construction of the city-initiated municipal solid waste incinerator. Opponents applied pressure on city officials, including Mayor Tom Bradley. In 1987, the mayor and the Los Angeles city council killed the LANCER project—a project that had included a commitment of \$12 million.

Just as Los Angeles's largest African-American community was selected for the city's first state-of-the-art municipal solid waste incinerator, the state's first state-of-the-art hazardous waste incinerator was slated to be built near east Los Angeles—the city's largest Latino community. The project was proposed by the California Thermal Treatment Services (CTTS) group. The hazardous waste incinerator, projected to burn about 22,500 tons of hazardous waste per year, was planned for Vernon, an industrial suburb of ninety-six people.

Several east Los Angeles neighborhoods (made up mostly of Latinos) are located only a mile downwind from the proposed hazardous waste incinerator site. The Vernon incinerator was intended to be the "vanguard of the entire state program for the disposal of hazardous waste." East Los Angeles residents wondered why their community was selected to host the state's first hazardous waste incinerator. Opponents of the incinerator saw the project as another case of industry dumping on the Latino community.

Mothers of East Los Angeles (MELA), consisting of Latino women who originally had organized to fight the state's plan to locate a prison in East Los Angeles, took the lead in opposing the Vernon incinerator. MELA targeted the South Coast Air Quality Management District (AQMD), the California Department of Health Services (DHS), and the EPA—agencies responsible for awarding permits for the hazardous waste incinerators. MELA, like its south central Los Angeles counterpart, was also able to garner allies to oppose the government-sanctioned hazardous waste incinerator. MELA and its allies were able to bring pressure on CTTS through a lawsuit and the passage of a more stringent California state law requiring an environmental impact statement before hazardous waste incinerators could be built.

In 1988, as CTTS was about to start construction on the project, the AQMD decided that the company should conduct the environmental studies and redesign the original plans because of the new, more stringent state clean air regulations. CTTS challenged the AQMD's deci-

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Regulating Wetlands

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encroaching seas also erode the land mass of wetlands and quicken the degradation process. Over time, the wetlands ecosystems become open water. Various scientific projections show that in the twenty-first century, the Louisiana coastline will continue its steady retreat northward. Similar coastal loss is occurring in the Chesapeake Bay area.

Within the deltaic coastal zone, the wetlands loss caused by natural and man-made forces, but not by developmental activities, is the dominant environmental issue. Neither the section 404 program nor the CZMA expressly address this problem. A policy of "no net loss," which merely removes current development from the equation, does nothing to protect wetlands in areas where the delta building process is no longer occurring. The section 404 and CZMA programs do not address the perplexing question of how to stop wetlands loss and ultimately enhance the remaining wetlands. In fact, the programs are often counterproductive.

Wetlands preservation and enhancement projects often do not take place because of the complex statutory and regulatory framework and the cumbersome permitting process. Private owners of wetland areas in the coastal zone states that may wish to halt the loss of their own property or undertake preservation projects which will enhance their wetlands are subject to the same permitting requirements as the most aggressive development project. A truly meaningful "no net loss" program requires cooperation between the federal and state governments, private owners of wetland areas, and environmental interests. Local and state governments, as well

as private landowners, must be able to evaluate, propose, plan and undertake those projects which are designed to protect or enhance wetland areas through a vehicle other than current section 404 permitting requirements. Projects such as mitigation banking, installation of water control structures, and development of more tolerant plant species to reduce coastal erosion should not be lumped into the statutory scheme developed to address dredge and fill operations. Projects of this type should be under the sole jurisdiction of the CZMA and the state implemented coastal zone management programs. These projects, when undertaken, can be effective in controlling the rate at which wetlands are lost to natural processes and in building additional wetland areas.

Section 404's prohibition of the deposition of dredged and fill materials in wetlands without a permit is in effect a presumption that "the" wetlands problem is the encroachment of fastlands on wetlands. Every permit issued under section 404 is an exception to a prohibition against discharge. On the other hand, section 303 of the CZMA provides that a state coastal zone management plan must take into consideration ecological, cultural, historic and aesthetic values as well as the need for economic development. 16 U.S.C. § 1452(2) (Supp. II 1990). Thus there is a built-in mechanism in the CZMA to consider multiple uses of wetlands in the coastal zone. The CZMA does not presume that fastlands encroachment is "the" wetlands problem. We suggest that the CZMA is a better vehicle for the management of coastal wetlands than section 404. 

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Environmental Racism

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sion, but lost in the state supreme court. In May 1991, CTTs decided to "throw in the towel" because the lawsuits threatened to drive the costs beyond the \$4 million the company had already spent on the project.

Another Latino community in California was slated for a hazardous waste incinerator—Kettleman City, a rural farmworker community of approximately 1,200 residents, located in Kings County. Because of their occupations, residents of this community are exposed to dangerous pesticides. Moreover, the city is home to a Chemical Waste Management hazardous landfill—the largest hazardous waste landfill west of the Mississippi River.

In 1991, the California Rural Legal Assistance Foundation (a public interest law group) filed a class action lawsuit, *El Pueblo Para el Aire y Agua Limpio (People for Clean Air and Water) v. County of Kings*, Civ. No. 366045 (Cal. Super. Ct.), challenging the plans to build a hazardous waste incinerator in Kettleman City. The lawsuit challenged the environmental impact report, the use of only English to communicate risks to local residents where 40 percent of the residents speak only Spanish, and the operation of hazardous waste incinerators in mostly minority communities. In 1992, a superior court judge overturned the county board's approval of the incinerator, citing its impact on

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air quality and agriculture. The judge ruled that the county's environmental impact study was inadequate and that it failed to involve local residents in the decision by not providing Spanish translations of material about the project. This particular dispute is still pending.

"Garbage Imperialism"

As environmental regulations have become more stringent in recent years, Native Americans' lands have become prime targets for "dirty" industries. Some groups have called the practice "garbage imperialism." More than one hundred proposals have been made to locate waste (household garbage, hazardous waste, and low-level nuclear waste) facilities on reservations. Nearly all of these proposals have been defeated or are under review. Native Americans' lands pose a special case for environmental protection.

Few reservations have environmental regulations or the infrastructure to handle the threat posed by these industries. Because of the special quasi-sovereign status of Indian nations, some waste disposal companies have attempted to circumvent regulations by siting on Indian lands. The threat to Native Americans' lands exists from Maine to California.

In 1991, for example, the Choctaw Indians in Philadelphia, Mississippi, defeated a plan to locate a 466-acre hazardous waste landfill in their midst. In the same year, RSW, a Connecticut-based company, proposed to build a six-

thousand-acre municipal landfill on the Rosebud reservation in South Dakota. The giant garbage facility was proposed by a firm that had never operated a municipal landfill. The project was later tagged "Dances with Garbage." The Good Road Coalition, an alliance of Native American grassroots groups, led a successful campaign that derailed the plan to build the garbage facility on Sioux lands.

A new form of grassroots environmental activism has emerged in the United States. Much of this activism is centered on securing environmental justice for communities of color. Environmental racism is seen as a major barrier to achieving equitable distribution of "healthy" physical environments and equal protection against the ravages of industrial pollution.

Environmental justice activists have begun to seek changes in discriminatory land-use practices, redlining, housing patterns, and destructive industrial production processes that threaten public safety. Through their grassroots networks, they have begun to build a national environmental justice movement with mainstream environmentalists, social justice activists, academicians, and lawyers.

A national policy is needed to begin addressing environmental inequities that exist in people of color, working class, and low-income communities. State and local decisionmakers need to incorporate environmental justice goals into their planning and development models to ensure that no one segment of society should have to bear a disparate burden of the rest of society's environmental problems. 🌱

Siting in the U.K.

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tions be processed concurrently and there is nothing in law to prohibit this. However, there is little point in preparing the detailed documentation associated with an IPC application in advance of authorization of the principle use of land. This has been particularly true during the recent period when emissions standards have been subject to such rapid and significant change and BATNEEC will have changed between the time the facility is designed and when it is finally authorized.

There are currently no UK statutory site selection criteria or specific requirements regarding proximity to other land uses or to physical features, such as watercourses and wetlands. Although site selection is generally approached by screening out unacceptable sites, the weight attributed to the various criteria is not clearly established and the balancing exercise is very much a site-specific one. In 1989–1990 the

House of Commons Welsh Affairs Committee held an inquiry into toxic waste disposal in Wales and a specific inquiry in relation to a merchant hazardous waste incineration facility where there had been allegations of increased dioxin levels in the immediate area. The committee recommended that incinerators should not be sited "near to" residential development unless there was an overriding reason, but declined to define "near to." (The nearest residences were approximately eighty meters from the boundary of the facility.)

The proposed Landfill Directive does, however, contain an annex which sets out general requirements for location of landfills and requires that the location of the landfill take into consideration requirements dealing with the distances from the boundary of the site to residential and recreation areas; roads and waterways; waterbodies; and other industrial,